IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

COMPANY APPLICATION No. 374 of 1998
In
COMPANY PETITION No. 223 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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STATE BANK OF INDIA - Applicant(s)
Versus
GOODEARTH ORGANIC (INDIA) LTD. - Respondent(s)

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Appearance :
MR MANISH R BHATT for Applicant(s) : 1,
MR ASHOK L SHAH for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 03/10/2006

ORAL JUDGMENT

By way of this Judges summons, the applicant State Bank of India, one of the secured creditors of company in liquidation as prayed for an appropriate order directing

the Official Liquidator, acting as Official Liquidator of company in liquidation to initiate proceedings for recovery from debtors of the company and/or to initiate proceedings for sale/disposal of the movable/immovable properties of the company. It appears from the record that the aforesaid application was moved by the secured creditor as the secured creditor was required to be incurred the expenditure of security guards etc.

2. Shri AL Shah, learned advocate appearing for the Official Liquidator has submitted that pursuant to the order passed by this Court, Sale Committee has already been constituted long back and last meeting of the Sale Committee was convened on 26-9-2006. He has produced on records the minutes of the meeting of the Sale Committee held on 26-9-2006 and a decision has been taken to give advertisement for sale of the properties of the company in liquidation by giving advertisement and inviting offers. It is also further submitted by him that in fact advertisement was published inviting the offers. However, as only two tenders were purchased, further course of action will be taken by the Sale Committee.

3. In view of the above, Shri Bhatt, learned advocate

appearing on behalf of the applicant does not press the present application at this stage, however, has requested to direct the Official Liquidator and/or the Sale Committee to sell the properties of the company in liquidation as early as possible and also to recover the amount from the debtors. In view of the fact that the company is ordered to be wound up somewhere in the year 1997-98, the Official Liquidator/Sale Committee is directed to sell the properties of the company in liquidation as early as possible and realize the amount from the same. The Official Liquidator is directed to submit the appropriate report pointing out what action has been taken to realize the amount from the debtors. Such report shall be filed before this Court within a period of six weeks from today.

4. This application is accordingly disposed off at this stage.

(M.R.SHAH,J.)

shekhar/-